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MEMO ENDORSED

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Via ECF

Honorable Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square, Room 240
New York, New York 10007

Re: ***Edmondson, et al. v. RCI Hospitality Holdings, Inc. et al.***
Case No.: 16-cv-2242 (VEC)

Dear Judge Caproni:

We represent defendants RCI Hospitality Holdings, Inc., Peregrine Enterprises, Inc., RCI Dining Services (37th Street), Inc., and Eric Langan (collectively “Defendants”) in connection with the above-referenced lawsuit. We submit this joint letter with the Plaintiffs’ approval in compliance with Your Honor’s Individual Practices and specifically with regard to the directive governing Requests to Redact or File under Seal (Individual Practices 5(A) *et seq.*)

Defendants intend to file a Motion for Reconsideration of Your Honor’s Opinion and Order dated March 30, 2020 with respect to the preclusion of the Defendants’ damage valuation expert (Jeff Anderson.) It is our understanding that Plaintiffs also intend to file a Motion for Reconsideration of the Opinion. At the time the parties filed their respective *Daubert* motions, the parties advised Your Honor of a standing confidentiality order in this case designed to protect the disclosure of the Plaintiffs’ confidential income and financial information from public disclosure. On September 30, 2019, the parties submitted a joint letter to Your Honor [NYSD ECF 109] setting forth a plan governing the submission of Plaintiffs’ confidential information under seal, and by Memo Endorsement dated October 1, 2019 [NYSD ECF 110], Your Honor granted approval.

The parties now request to extend Your Honor’s prior approval governing the submission of documents under seal for the purpose of the *Daubert* motions to the anticipated Motions for Reconsideration. Assuming the Court has retained copies of the unredacted reports of Mr. Anderson and Mr. Chamberlin, there is presumably no need to resubmit them, and the briefs in support of the motion will make reference to the unredacted reports that are already in the Court’s possession. If

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this is not the case and the Court did not retain copies of the unredacted reports, the parties request leave to electronically file redacted reports and resubmit the unredacted reports pursuant to the plan you previously approved on October 1, 2019.

In addition, the Defendants' Memorandum of Law in support of the Motion for Reconsideration will contain Plaintiffs' confidential financial information. The Defendants therefore request leave to electronically file a redacted brief followed with the submission of an unredacted brief to the Court. Given certain constraints imposed by COVID-19, if at all possible, it would be appreciated if Defendants are granted leave to submit the unredacted Memorandum of Law by e-mail as a PDF; however, if this approach is unacceptable, the Defendants will find a way to have the unredacted brief uploaded to a disc or thumb drive and hand-delivered to the Court as soon as the courthouse reopens for non-essential visitors.

The parties are available for a conference call if the Court has any questions or suggestions with regard to the foregoing application.

Thank you for your consideration of this matter.

Respectfully submitted,

/s/Daniel J. Fox

Daniel J. Fox of
LEWIS BRISBOIS BISGAARD & SMITH LLP

DJF

cc: All counsel of record via ECF

Application GRANTED. The parties do not need to resubmit the unredacted expert reports. Defendants may file their memorandum of law with appropriate redactions concerning Plaintiffs' financial information and may file the unredacted version on ECF, using the appropriate privacy settings. If Defendants are unable to submit the unredacted version on ECF, they may email it to the Court.

SO ORDERED.



HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

4/24/2020